

IN THE DISTRICT COURT OF THE UNITED STATES
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO. 4:17-577-RBH
)	
)	
vs.)	AMENDED
)	ORDER FOR EXAMINATION
)	
JIMMY LEE, JR.)	
)	
)	

This matter was raised by the court *sua sponte* after the Defendant advised me during a change of plea hearing that he suffered from mental illnesses, namely Schizoaffective Disorder and Tourette's Syndrome. Neither the Defendant nor counsel for the Defendant stated that it was their belief that the Defendant was incompetent to plead guilty or insane at the time the offense allegedly occurred. Based on the Defendant's statements that he suffered from mental illness, and out of an abundance of caution, I find that there is reasonable cause to believe that the Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C. §4241(a). After issuing the initial order, the Government sought an amended order so that the evaluation may be performed by either a psychiatrist or psychologist. This court further finds as follows:

1. That the factual matters establish reasonable cause as required by 18 U. S. C. §§4241(b) and 4242;
2. That pursuant to 18 U.S.C. §§4241(b) and 4242, a psychiatric or psychological examination of the defendant, Jimmy Lee, Jr, should be ordered;
3. That pursuant to 18 U.S.C. §§4247(b) and (c), the psychiatric or psychological examination referred to in the above paragraph may properly be conducted;

4. That pursuant to 18 U.S.C. §3161(h)(1)(A), such time as is taken up by the examination may properly be deemed excludable under the Speedy Trial Act.

IT IS THEREFORE ORDERED:

- (a) That the defendant be committed to the custody of the Attorney General for such reasonable period of time as is necessary for the conduct of such period not to exceed 45 days from the date the defendant arrives at the institution designated for his evaluation without further order of the court. There is no need to apply to the court for an order of extension unless the examination cannot be completed within ninety (90) days of defendant's arrival at the institution designated on the evaluation.
- (b) That the United States Marshal is hereby authorized to forthwith transport the defendant, JIMMY LEE, JR, to the facility designated by the Bureau of Prisons and return Jimmy Lee, Jr., to this district upon completion of the examination.
- (c) That such examinations referred to herein shall be for the purpose of determining whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
- (d) That the examination be conducted by a licensed or certified psychiatrist or psychologist as required by 18 U.S.C. §4247.
- (e) That upon completion of the examination as herein requested, the examiner(s) prepare a full report, such report to include all of the following as required by 18 U.S.C. §4247(c):
 - (1) The defendant's history and present symptoms.
 - (2) A description of the psychiatric, psychological and medical tests that were employed and their results.
 - (3) The examiner(s) findings.
 - (4) The examiner(s) opinion as to diagnosis, prognosis, and whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to understand the nature and consequences of the proceedings against him, or to assist properly in his defense, as defined in 18 U.S.C. §4241(a).
 - (5) Any recommendation the examiner(s) may have as to how the mental condition of the defendant should effect any sentence he may receive.

- (6) If the examiner determines that the defendant does suffer from some type of mental illness, any recommendation that the examiner may have as the most appropriate treatment plan.
- (f) That the report herein requested be filed with this Honorable Court and copies provided to counsel for the defendant, William N. Nettles, IV, and Assistant United States Attorney William E. Day, as provided for in 18 U.S.C. §4247(c).

IT IS SO ORDERED.

November 1, 2017
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge